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146,1275

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/945,459 | 12/09/97 | BARISHIMA | |

BIERMAN MUSERLIAN AND LUCAS
600 THIRD AVENUE
NEW YORK NY 10016

HM11/1001



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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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DATE MAILED: 10/01/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Nov. 1, 1998
(+1) Dec 1
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(+4) Mar



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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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| EXAMINER | |
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| ART UNIT | PAPER NUMBER |
| | 6 |

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

The communication filed on **28 August 1998** is not fully responsive to the communication mailed **06 August 1998** for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules or CRF Diskette Problem Report.

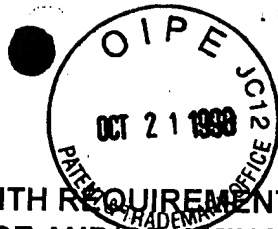
Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner **David S. Romeo**, Art Unit **1646**, whose telephone number is **703 305-4050**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Elizabeth C. Kemmerer

ELIZABETH KEMMERER
PRIMARY EXAMINER



FILE

Application No.: 08/945,457

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ ~~An initial~~ or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ ~~An initial~~ or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

COUNT SHEET FOR SEQUENCE CASES

Serial No. 08/945,459



A.E. _____

Mark only one space below

Date of Count September 30, 1998

(CRFN) (CRF is unreadable; use CRF Diskette Problem Report)

(CRFD) (CRF does not comply; use Notice to Comply)

(CRFR) (CRF required but none submitted; use Notice to Comply)

X

(bona fide) (second or subsequent letter to applicant reporting bona fide attempt to comply; use Notice to Comply and send copy of RSL)

(non bona fide) (second or subsequent letter to applicant reporting non-bona fide attempt to comply; use Notice to Comply and send copy of RSL)

Examiner's Name: David S. Romeo

GAU: 1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : MAKISHIMA ET AL.

Serial No. : 08/945,459

Filed : DECEMBER 9, 1997

For : NOVEL PROTEIN AND PROCESS FOR PREPARING THE SAME

Group Art Unit : 1646

Examiner : E. KEMMERER



STATEMENT UNDER 37 C.F.R. §1.825(b) or §1.825(d)

Assistant Commissioner for Patents
Washington, D.C. 20231

I hereby certify that:

- ☐ The paper Sequence Listing and computer readable Sequence Listing submitted herewith are identical (37 C.F.R. §1.821 (f))
- ☒ The substitute paper Sequence Listing and Substitute computer readable Sequence Listing submitted herewith are identical. No new matter is included. (37 C.F.R. §1.825 (b) or (d))

Respectfully submitted,

BIERMAN, MUSERLIAN AND LUCAS, L.L.P.

Dated: October 21, 1998

By Charles A. Muserlian
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Reg. No. 19,683

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